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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/086,821

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MARCO LARA

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IP DEPARTMENT
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EXAMINER

SALAD, ABDULLAHI ELM I

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/086,821

Applicant(s)

LARA ET AL.

Examiner

Salad E. Abdullahi

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6-16,25 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-16, 25, and 34-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/12/2006 has been entered.
2. Applicant's argument with respect to claims 1, 6-16, 25, and 34-37 are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6-16, 25, and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hu U.S. Patent No. 6,173,322[hereinafter Hu] in view of Wolf U.S. Patent No. 6,185,601[herein after Wolf]

As per claims 1 and 37, Hu discloses a method for distributing browser web page requests among two or more servers, comprising:

receiving web page request at a first web server of plurality of web servers, the first web server assigned (i.e., selected) to service the request by an interceptor operable to

Art Unit: 2157

allocate web requests among the plurality (see fig. 3 and col. 5, lines 29-33 and col. 13, lines 10-21);

determine whether a predetermined condition exist at the first web server (i.e. failed or overloaded)(see col. 15, lines 11-16); and

if the predetermined condition exists, then redirecting by the first server web server at least one of the web page requests from the first web server to another web servers for servicing (see col. 6, lines 11-22 and col. 4, line 66 to col. 5, line 8).

HU is silent regarding:

redirecting by the first server web server the web page request from the first web server to another web servers of the plurality for servicing.

Wolff discloses a methods for load rebalancing for clients requests in a network with plurality of servers including redirecting by the first server web server (104A) the web page request from the first web server to another web servers of the plurality for servicing (see figs. 6, 7A and col. 15, lines 15-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching Hu to incorporate the load balancing mechanism as suggested by Wolff, thus enabling the re-mapping of client request in response to a redirection command emanating from an overloaded node, e.g. server, thereby allowing the clients to optimize throughput between themselves and the network servers.

In considering claim 6, Hu discloses the method of claim 1 wherein the determining comprises monitoring the system load of the host server (see col. 15, lines 1-16).

Art Unit: 2157

In considering claim 7, Hu discloses the method of claim 1 wherein the predetermined condition comprises a CPU utilization or memory or failure etc (see col. 9, lines 19-46).

In considering claim 8 Hu discloses the method of claim 1 wherein the predetermined condition comprises a CPU utilization or memory or failure etc (see col. 9, lines 19-46).

In considering claim 9, HU discloses the method of claim 1, wherein the redirecting step comprises redirecting only if the request is for one of a predetermined set of web pages (i.e., dynamic pages or static pages) (see fig. 6 and col. 12, lines 10-42).

In considering claim 10, Hu discloses the method of claim 9, wherein the predetermined set is predetermined by list of web pages included in the web page included in the set (see fig. 6, and col.12, lines 18-66).

In considering claim 11, Hu discloses the method of claim 9, wherein the predetermined set is predetermined by a list of web pages excluded from the set (see col. 12, lines 10-42).

In considering claim 12, Hu discloses the method of claim 1, wherein the redirecting step comprises redirecting only if the request is for web page that does not have state (i.e., web pages not cached) (see fig. 6, and col. 12, lines 10-42 and col. 13, lines 1-21).

Art Unit: 2157

In considering claim 13, Hu discloses the method of claim 12, wherein the redirecting step comprises:

determining whether the web page is included in a list of web pages that have state (i.e., list of cached web pages) (see fig. 6, and col. 12, lines 10-42).

In considering claim 14, Hu discloses the method of claim 1, wherein the predetermined condition comprises failure (see col. 11, lines 60-65 and col. 12, lines 10-42).

As per claim 15, Hu discloses a system for servicing browser web pages requests, comprising:

a first web server operable to redirect from the first web server to a second web server a web page request made of the first web server if a predetermined condition is determined to exist the first web servers (see fig. 2 and col. 5, lines 520-54 and col. 15, lines 11-16); and

a manager for monitoring the first web server to determine if the predetermined condition exists at the first web server and for monitoring the second web server to determine capacity for serving the redirected web page request(see col. 6, lines 11-22 and col. 4, line 66 to col. 5, line 8).

HU is silent regarding:

redirecting by the first server web server the web page request from the first web server to another web servers of the plurality for servicing.

Art Unit: 2157

Wolff discloses a methods for load rebalancing for clients requests in a network with plurality of servers including redirecting by the first server web server (104A) the web page request from the first web server to another web servers of the plurality for servicing (see figs. 6, 7A and col. 15, lines 15-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching Hu to incorporate the load balancing mechanism as suggested by Wolff, thus enabling the re-mapping of client request in response to a redirection command emanating from an overloaded node, e.g. server, thereby allowing the clients to optimize throughput between themselves and the network servers.

In considering claim 16, Hu discloses the system of claim 15, wherein the web server is operable to transfer only for predetermined web pages (see fig. 6 and col. 12, lines 10-42).

In considering claim 25, Hu discloses a method of claim 20 wherein distributing is accomplished by an interceptor located on a first host, and redirecting is initiated by an agent (redirection module 212) running on a second host which also hosts the first web server, and wherein the agent is in communication with web server interface and instructs the web server interface to cause the web server to redirect (see col. 5, lines 20-54).

Art Unit: 2157

As per claims 34-36 Wolff discloses the method of claim 1, wherein the agent is in communication with the first web server through a web server interface, and instructs the first web server to redirect using commands given through the web server interface(see figs. 6, 7A and col. 15, lines 15-42)..

Claim 37 (New): A computer readable medium from which a machine can obtain instructions for causing the machine to perform a method comprising:

receiving a web page request at a fast web server of a plurality of web servers, the first web server assigned to service the request by an interceptor operable to allocate web requests among the plurality;

after receiving, determining whether a predetermined condition exists at the first web server; and

if the predetermined condition exists, then redirecting the web page request by the first web server to another web server of the plurality.

CONCLUSION

5. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can

Art Unit: 2157

be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdullahi Salad
7/10/2006


ABDULLAHISALAD
PRIMARY EXAMINER